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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,127	08/20/2003	Mark Andrew Baker	RJ-6704	6519

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT PAPER NUMBER

3676

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,127

Applicant(s)

BAKER ET AL.

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,425,013 to Killen.

Killen discloses a drawer locking mechanism (figure 2) for an item of furniture (10) having two drawers (14 and 16) and means mounting the drawers (18) for openable and closable movement, in which each drawer has associated with it a latching device (22) or blocking device (20) co-operable with the furniture item to allow opening movement of the drawer in a first position (figure 4A) of the latching device and to prevent the opening movement in a second position (figure 4B) of the latching device, there being a connecting member (30) linking together the latching devices of all the drawers such that opening of any one of the drawers causes the latching devices of all the other drawers to move to their second position, whilst closure of the one drawer causes the latching devices of all the other drawers to return to their first position, wherein the latching devices are connectable (column 2, lines 38-42) to the connecting member at positions to be determined by reference to fixed points on the furniture item for the drawer mounting means, as in claims 1, 12, 16, and 17.

Killeen also discloses the latching devices are releasably connectable (figure 3) to the connecting member, as in claim 2, wherein the latching devices are connectable to the connecting member by means of a snap fit (column 2, lines 46-58), as in claim 3, and each latching device has a peg (22) to register with a preformed hole (20) in the furniture item corresponding to a respective drawer mounting means and the latching devices are desired to be connectable to the connecting member whilst their pegs are registered in respective the preformed holes (figures 4A and 4B), as in claim 4, as well as the connecting member being desired to be located for slidable movement in a preformed groove (42) in the furniture item, as in claim 5, and each of the latching devices are arranged to cooperate with a pin (22) associated with its respective drawer, as in claim 6.

Killen further discloses the drawers being mounted to the furniture item in adjustable or non-adjustable positions (column 2, lines 23-25) and each pin is mounted on the drawer mounting means of its associated drawer (figure 2), as in claims 7 and 8, where the drawer mounting means are configured for receiving the mount for their respective pins at a chosen position (column 2, lines 33-36), as in claim 9, and the pins are mounted to their respective drawer mounting means by means of a snap fitting (26), as in claim 10, as well as the mechanism is operable additionally and selectively to disallow opening movement of all the drawers (column 3, lines 47-68), as in claim 11.

Regarding claims 13-15, it would be inherent for the locking device of Killen to be assembled using the steps recited in the applicant's claims. Wherein Killen discloses connecting the blocking devices to the furniture item (column 2, lines 44-46), and fixing the connector to the blocking devices (column 2, lines 38-42), as in claim 13. Under the principles of inherency, if a

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prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device.

When the prior art device is the same as a device described in the specification, it can be assumed the device will inherently perform the same process. *In re King*, 802 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to furniture latching means:

U.S. Patent Number 6,722,749 to Pagac, U.S. Patent Number 6,634,726 to Slivon, U.S. Patent Number 5,671,985 to Grieser et al., U.S. Patent Number 5,427,445 to Mitchell, U.S. Patent Number 4,303,287 to Taplin, U.S. Patent Number 3,767,280 to McLaughlin, U.S. Patent Number 3,404,929 to Wright et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB *CB*
September 22, 2004

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600